

collector may, when relevant, use this as a defense to suit by the debtor. CC §1788.30(f). Actions under §1788.30 must be brought within one year from the date the violation occurred. CC §1788.30(f).

E. [§5.66] Fair Credit Reporting Act (15 USC §§1681–1681t)

The Fair Credit Reporting Act is a federal statute which largely parallels the Consumer Credit Reporting Agencies Act (see §§5.51–5.54) and the Investigative Consumer Reporting Agencies Act (see §§5.55–5.58). Much of the language is identical, but there are a few important distinctions.

In most regards, the state laws are more protective of consumers than the federal law. Thus, the federal law does not expressly include hiring of a dwelling unit as a covered category of purpose for consumer credit reports. Federal law does not include any procedure for obtaining copies of consumer credit reports by mail, only by telephone or in person. 15 USC §1681h(b). Finally, the federal law does not provide a minimum penalty for a negligent violation with regard to investigative consumer reports. 15 USC §1681o.

On the other hand, the federal law has no ceiling on punitive damages for willful violations. 15 USC §1681n.

An organization that gathers information on residential renters and sells the information to potential landlords comes within the Fair Credit Reporting Act (15 USC §§1681–1681t). *Cisneros v U.D. Registry, Inc.* (1995) 39 CA4th 548, 562, 46 CR2d 233. It is a violation of the Consumer Credit Reporting Agencies Act (specifically CC §1785.14(b)—agency must take measures to assure maximum accuracy) and the Federal Fair Credit Reporting Act to withhold clarifying information from a report on a tenant. *Schoendorf v U.D. Registry* (2002) 97 CA4th 227, 238–242, 118 CR2d 313.

F. [§5.67] Equal Credit Opportunity Act (15 USC §§1691–1691f)

The text of the Holden Credit Denial Disclosure Act (§§5.59–5.60) is identical to sections of the federal Equal Credit Opportunity Act. The federal Act, however, is substantially broader. First, the federal Act covers all credit transactions, not just consumer transactions. Thus business and agricultural credit are also covered. Second, the federal Act, in addition to regulating disclosure of credit denial, also provides substantive regulation of the reasons for denial. The Act prohibits discrimination against any credit applicant on the basis of race, color, religion, national origin, sex, marital status, or age, or because all or part of the applicant's income comes from a public assistance program, or because the applicant has exercised any rights under federal consumer protection laws. 15 USC §1691(a).